

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GLOBAL SALES GROUP, CORP.

Plaintiff

v.

SENCI POWER USA, INC. D/B/A A-IPOWER,
CORP.

Defendants

CIVIL ACTION NO. 23-cv-1213(SCC)

BREACH OF CONTRACT; VIOLATION
OF THE PUERTO RICO DEALER'S ACT,
Act No. 75 of June 24, 1964, as amended,
10 P.R. Laws Ann. § 278 et seq.;
DEMAND FOR TRIAL BY JURY

AIP's INFORMATIVE MOTION AND RESPONSE

TO THE HONORABLE COURT:

COMES NOW, Defendant A-iPower, Corp. ("AIP"), through the undersigned counsel, and respectfully states as follows:

1. GSG filed an Informative Motion ("Motion") on December 9, 2024. ECF No. 109.
2. In its Motion. GSG argues and/or intimates that AIP failed to comply with its discovery obligations when it produced the Verified Statement Under Penalty of Perjury of Mr. Rolando Roman ("Statement") on December 5, 2024 and before the discovery cutoff date. AIP hereby clarifies the erroneous contentions of GSG.
3. While written statements were requested by GSG in October 2023, (1) AIP fully complied and continues to fully comply with its obligation under the discovery requirements; (2) the Statement from Mr. Rolando Roman of Any Parts was not signed until **November 26, 2024** (i.e., 13 months after GSG's request); (3) the Statement was not provided to AIP until **December 3, 2024** (after the Thanksgiving break); and (4) in AIP's continuing duty to supplement its responses and

production, AIP promptly produced Mr. Rolando Roman's Statement to GSG early on December 5, 2024.

4. Notwithstanding the above, Mr. Rolando Roman and Any Parts have been known to GSG since the outset of the case. For example, in Paragraph 25 of GSG's Complaint filed on May 2, 2023, GSG made specific reference to "Any Parts." (See also, Paragraph 25 of GSG's First Amended Complaint filed on May 22, 2024 where "Any Parts" is also referenced by GSG.) Further, on or about November 27, 2023 AIP responded to GSG's Interrogatories and therein expressly identified "Rolando Roman – President of Any Parts" as a potential witness who was "known ... to have knowledge in any way relating to the allegations set forth in the Complaint and AIP's Answer to the Complaint..." That GSG knew of Mr. Rolando Roman and Any Parts before December 5, 2024 is clear since GSG served a subpoena on Any Part on September 7, 2024 requesting that Any Parts produce business records in this matter..

5. Accordingly, GSG cannot claim surprise or prejudice because GSG has had actual knowledge of Any Parts and Mr. Rolando Roman, has had ample time to take the deposition of Mr. Rolando Román and/or Any Parts within the ordered discovery timeline, and GSG's failure to do so cannot be explained away by blaming AIP.

6. Simply, GSG could have subpoenaed Mr. Rolando Roman for deposition earlier and even had time to do so after Mr. Rolando Roman's Statement was produced on December 5, 2024 but chose not to do so and now improperly attempts to shift responsibility to AIP and claim surprise.

WHEREFORE, AIP respectfully requests that this Honorable Court take notice of the information provided herein and in response to GSG's Motion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 12th day of December 2024.

I HEREBY CERTIFY: I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

s/ Jairo Mellado-Villarreal
Jairo Mellado-Villarreal
USDC No.208112
jmellado@mellado.com

/s/ Tessie Leal-Garabis
Tessie Leal-Garabis
USDC No. 218408
tleal@mellado.com

MELLADO & MELLADO-VILLARREAL
165 Ponce de León Ave., Suite 102
San Juan, Puerto Rico 00917-1233
Tel. 787-767-2600/Fax 787-767-2645